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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,459	02/21/2001	Lory Dean Molesky	19111.0013	5665
23517	7590	12/14/2004	EXAMINER	
SWIDLER BERLIN SHEREFF FRIEDMAN, LLP			LY, ANH	
3000 K STREET, NW			ART UNIT	
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DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/788,459

Applicant(s)

MOLESKY, LORY DEAN

Examiner

Anh Ly

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/04/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 & 13-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Request Continued Examination

1. The request filed on 11/04/2004 for a Request for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application No. 09/788,459 is acceptable and a RCE has been established. An action on the RCE follows.
2. Claim 12 is cancelled.
3. Claims 1-11 and 13-32 are pending in this application.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1, 13 and 23 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The "labeling the time axis of a graph" in the preamble and the "labeling the time axis of a graph" in the line 11 of claim 1, the line 14 of claim 13 and the line 14 of claim 23 are not clearly.

Allowable Subject Matter

6. Claims 5, 17 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-4, 6-11, 13-16, 18-26 and 28-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,230,064 issued to Nakase et al. (hereinafter Nakase) in view of US Patent No. 5,596,691 issued to Good et al. (hereinafter Good).

With respect to claim 1, Nakase teaches generating time labels by processing input data comprising informational data and corresponding time labels (the time series data is an input data from outside from client apparatus of the system and stored in the time series database: col. 4, lines 64-67 and col. 5, lines 14-16); processing the time labels (along with the time axis, the time-series data is labeled to it in order to indicate a time period such as a day, a week or a month, time axis of time series data: see fig. 3, col. 4, lines 42-63 and col. 5, lines 21-38); generating the time labels (time series data is divided based on the time period such as number of days, number of week or number of months: col. 5, lines 1-20); and labeling the time axis of a graph with multi-level time labels (see fig. 3 and col. 7, lines 32-46).

Nakase teaches generating time series database (col. 5, lines 1-20) and extracting time series data from database and posting or labeling the time series data on the graph or chart (see figs 3, 10's and 11's, col. 5, lines 35-67, col. 8, lines 55-67

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and col. 9, lines 1-38), time-series database for labeling to the time axis according to division of time axis of time series data, event sequence data, event continuous time, and characteristics of time series (see fig. 3, fig. 10 and fig. 11) and extracting a characteristic change of time series data of the each event (col. 2, lines 30-52). Nakase does not explicitly teach creating a multi-level data structure and storing the time labels in the multi-level data structure, and each multi-level time label comprising a plurality of rows of time labels.

However, Good teaches a data structure containing graph table and stored as drawing records and a chart table is a data structure that stored in the memory, the table is consisting a plurality of records or row containing labeling information (col. 6, lines 55-60, and col. 7, lines 28-40, see figs. 9 and 10).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Nakase with the teachings of Good, wherein the automated altering the characteristics of the elements of drawing records of a graph/chart table label (as shown in fig 9 and col. 4, lines 26-30) would incorporate the use of data structure storing in memory having a plurality of rows of time labels. The motivation being to provide automatically multi-line labeling of time axis in the presentation graphs.

With respect to claims 2-4, Nakase teaches a method of automatically labeling a time axis of a graph as discussed in claim 1. And Nakase teaches extracting characteristics of time series data of each event (col. 2, lines 18-61).

Nakase teaches time-series database for labeling to the time axis according to division of time axis of time series data, event sequence data, event continuous time, and characteristics of time series (see fig. 3, fig. 10 and fig. 11) and extracting a characteristic change of time series data of the each event (col. 2, lines 30-52). Nakase does not explicitly teach assigning indexes to each time labels in the multi-level data structure and generating axis markers.

However, Good teaches the database records with indexes for the drawings records of the graph/chart table and marker time labels (col. 9, lines 8-20 and col. 11, lines 5-33, fig. 9 and 10).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Nakase with the teachings of Good, wherein the automated altering the characteristics of the elements of drawing records of a graph/chart table label (as shown in fig 9 and col. 4, lines 26-30) would incorporate the use of data structure storing in memory having a plurality of rows of time labels. The motivation being to provide automatically multi-line labeling of time axis in the presentation graphs.

With respect to claim 6, Nakase teaches summing the length of each time label in the initial set of time labels and an inter-label spacing constant; and comparing the sum with the length of the time axis (see abstract and col. 4, lines 40-63).

With respect to claim 7, Nakase teaches summing the length of each time label in the abbreviated set of time labels and an inter-label spacing constant; and comparing the sum with the length of the time axis (col. 5, lines 26-67 and col. 6, lines 1-11).

With respect to claim 8, Nakase teaches summing the length of each time label in the subset of time labels and an inter label spacing constant; and comparing the sum with the length of the time axis (dividing the time or day into a plurality of period as subset of time: col. 4, lines 57-63).

With respect to claim 9, Nakase teaches whereas the step of processing the multi-level data structure to refine the time labels comprises extending the precision of the time labels (col. 10, lines 7-16).

With respect to claim 10, Nakase teaches whereas the step of processing the multi-level data structure to refine the time labels comprises merging the levels in the multi-level data structure (col. 5, lines 21-38).

With respect to claim 11, Nakase teaches generating time labels by processing input data comprising informational data and corresponding time labels (the time series data is an input data from outside from client apparatus of the system and stored in the time series database: col. 4, lines 64-67 and col. 5, lines 14-16); generating time labels (along with the time axis, the time-series data is labeled to it in order to indicate a time period such as a day, a week or a month, time axis of time series data: see fig. 3, col. 4, lines 42-63 and col. 5, lines 21-38); generating the time labels and populating the time labels and refining the time labels and labeling the time axis with the time labels (see abstract, col. 1, lines 6-10; col. 1, lines 46-51; time series database: see fig. 1, col. 4, lines 40-48; col. 5, lines 21-38 and col. 5, lines 1-20; time series data is divided based on the time period such as number of days, number of week or number of months: col. 5, lines 1-20; and see fig. 3 and col. 7, lines 32-46).

Nakase teaches generating time series database (col. 5, lines 1-20) and extracting time series data from database and posting or labeling the time series data on the graph or chart (see figs 3, 10's and 11's, col. 5, lines 35-67, col. 8, lines 55-67 and col. 9, lines 1-38), time-series database for labeling to the time axis according to division of time axis of time series data, event sequence data, event continuous time, and characteristics of time series (see fig. 3, fig. 10 and fig. 11) and extracting a characteristic change of time series data of the each event (col. 2, lines 30-52). Nakase does not explicitly teach creating a multi-level data structure and storing the time labels in the multi-level data structure, and each multi-level time label comprising a plurality of rows of time labels.

However, Good teaches a data structure containing graph table and stored as drawing records and a chart table is a data structure that stored in the memory, the table is consisting a plurality of records or row containing labeling information (col. 6, lines 55-60, and col. 7, lines 28-40, see figs. 9 and 10).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Nakase with the teachings of Good, wherein the automated altering the characteristics of the elements of drawing records of a graph/chart table label (as shown in fig 9 and col. 4, lines 26-30) would incorporate the use of data structure storing in memory having a plurality of rows of time labels. The motivation being to provide automatically multi-line labeling of time axis in the presentation graphs.

Claim 13 is essentially the same as claim 1 except that it is directed to a system rather than a method ('064 of along with the time axis, the time-series data is labeled to it in order to indicate a time period such as a day, a week or a month, time axis of time series data: see fig. 3, col. 4, lines 42-63 and col. 5, lines 21-38; time series data is divided based on the time period such as number of days, number of week or number of months: col. 5, lines 1-20; and see fig. 3 and col. 7, lines 32-46; and '817 of a time series data including data occurred in various areas such as stock prices, growth rates of company, exchange rates, biomedical measurements and weather data and called as "data sequences" stored in a time series database with a multi-dimensional index data structure and constructing time series database and indexes for time series data: see fig. 3 and fig. 4, col. 7, lines 36-62), and is rejected for the same reason as applied to the claim 1 hereinabove.

Claim 14 is essentially the same as claim 2 except that it is directed to a system rather than a method (see abstract, col. 7, lines 36-67), and is rejected for the same reason as applied to the claim 5 hereinabove.

Claim 15 is essentially the same as claim 3 except that it is directed to a system rather than a method (time axis indicators:(col. 4, lines 1-8 and lines 48-67), and is rejected for the same reason as applied to the claim 5 hereinabove.

Claim 16 is essentially the same as claim 4 except that it is directed to a system rather than a method (see abstract, col. 7, lines 36-67), and is rejected for the same reason as applied to the claim 5 hereinabove.

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Claim 18 is essentially the same as claim 6 except that it is directed to a system rather than a method (starting time: see abstract, col. 4, lines 40-67), and is rejected for the same reason as applied to the claim 6 hereinabove.

Claim 19 is essentially the same as claim 7 except that it is directed to a system rather than a method (col. 5, lines 26-67 and col. 6, lines 1-11), and is rejected for the same reason as applied to the claim 7 hereinabove.

Claim 20 is essentially the same as claim 8 except that it is directed to a system rather than a method (dividing the time or day into a plurality of period as subset of time: col. 4, lines 57-63), and is rejected for the same reason as applied to the claim 8 hereinabove.

Claim 21 is essentially the same as claim 9 except that it is directed to a system rather than a method (col. 10, lines 7-16), and is rejected for the same reason as applied to the claim 9 hereinabove.

Claim 22 is essentially the same as claim 10 except that it is directed to a system rather than a method (col. 5, lines 21-38), and is rejected for the same reason as applied to the claim 10 hereinabove.

Claim 23 is essentially the same as claim 1 except that it is directed to a computer program product rather than a method (064 of along with the time axis, the time-series data is labeled to it in order to indicate a time period such as a day, a week or a month, time axis of time series data: see fig. 3, col. 4, lines 42-63 and col. 5, lines 21-38; time series data is divided based on the time period such as number of days, number of week or number of months: col. 5, lines 1-20; and see fig. 3 and col. 7, lines

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32-46; and '817 of a time series data including data occurred in various areas such as stock prices, growth rates of company, exchange rates, biomedical measurements and weather data and called as "data sequences" stored in a time series database with a multi-dimensional index data structure and constructing time series database and indexes for time series data: see fig. 3 and fig. 4, col. 7, lines 36-62), and is rejected for the same reason as applied to the claim 1 hereinabove.

Claim 24 is essentially the same as claim 2 except that it is directed to a computer program product rather than a method (see abstract, col. 7, lines 36-67), and is rejected for the same reason as applied to the claim 5 hereinabove.

Claim 25 is essentially the same as claim 3 except that it is directed to a computer program product rather than a method (time axis indicators:(col. 4, lines 1-8 and lines 48-67), and is rejected for the same reason as applied to the claim 5 hereinabove.

Claim 26 is essentially the same as claim 4 except that it is directed to a computer program product rather than a method (see abstract, col. 7, lines 36-67), and is rejected for the same reason as applied to the claim 5 hereinabove.

Claim 28 is essentially the same as claim 6 except that it is directed to a computer program product rather than a method (starting time: see abstract, col. 4, lines 40-67), and is rejected for the same reason as applied to the claim 6 hereinabove.

Claim 29 is essentially the same as claim 7 except that it is directed to a computer program product rather than a method (col. 5, lines 26-67 and col. 6, lines 1-11), and is rejected for the same reason as applied to the claim 7 hereinabove.

Claim 30 is essentially the same as claim 8 except that it is directed to a computer program product rather than a method (dividing the time or day into a plurality of period as subset of time: col. 4, lines 57-63), and is rejected for the same reason as applied to the claim 8 hereinabove.

Claim 31 is essentially the same as claim 9 except that it is directed to a computer program product rather than a method (col. 10, lines 7-16), and is rejected for the same reason as applied to the claim 9 hereinabove.

Claim 32 is essentially the same as claim 10 except that it is directed to a computer program product rather than a method (col. 5, lines 21-38), and is rejected for the same reason as applied to the claim 10 hereinabove.

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Contact Information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh Ly whose telephone number is (571) 272-4039 or via E-Mail: ANH.LY@USPTO.GOV or fax to (571) 273-4039. The examiner can normally be reached on TUESDAY – THURSDAY from 8:30 AM – 3:30 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene, can be reached on (571) 272-4107 or Primary Examiner Jean Corrielus (571) 272-4032.


Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to: Central Fax Center (703) 872-9306


JEAN M. CORRIELUS
PRIMARY EXAMINER

ANH LY 
DEC. 9th, 2004